

Message Text

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PAGE 01 STATE 300734

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FM SECSTATE WASHDC

TO AMEMBASSY NASSAU

CONFIDENTIAL STATE 300734

E.O. 11652: GDS

TAGS: MARR, BF, US

SUBJECT: FACILITIES NEGOTIATIONS: OPERATING RIGHTS

1. ENCLOSURE TWO OF QUANT-LUERS LETTER OF 12/3/75 CONTAINS DOD VIEWS ON OPERATING RIGHTS. TEXT OF ENCLOSURE IS AS FOLLOWS: QUOTE

A) THE BROAD US OPERATING RIGHTS IN THE DRAFT AGREEMENT ARE STRATEGICALLY IMPORTANT, AND INITIAL US NEGOTIATING EFFORTS SHOULD BE DIRECTED TOWARDS SECURING ALL THESE RIGHTS.

B) IN ANTICIPATION OF POSSIBLE OBJECTIONS BY THE GCOB TO THE DRAFT OPERATING RIGHTS AGREEMENT, IT WOULD BE APPROPRIATE FOR US NEGOTIATING EFFORTS TO PROCEED, USING THE FOLLOWING TACTICS:

(1) ATTEMPT TO RETAIN AS MANY OPERATIONS AS POSSIBLE UNDER BLANKET APPROVAL WHICH DO NOT REQUIRE EITHER ADVANCED NOTIFICATION OR REQUEST TO THE GCOB.

CONFIDENTIAL

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PAGE 02 STATE 300734

(2) FOR THOSE OPERATIONS REMAINING, ATTEMPT TO OBTAIN

RIGHTS WITH ONLY THE REQUIREMENT TO NOTIFY THE GCOB IN ADVANCE. IN THESE CASES, AN EFFORT SHOULD BE MADE TO AVOID SPECIFYING ANY LEADTIMES. IF THIS IS NOT OBTAINABLE, LEADTIMES SHOULD BE AS SHORT AS POSSIBLE. THE REQUIREMENT FOR NOTIFICATION WILL CREATE AN ADMINISTRATIVE BURDEN BUT WILL SATISFY MILITARY REQUIREMENTS.

(3) FOR OPERATIONS NOT COVERED BY BLANKET APPROVAL OR NOTIFICATION AND WHICH REQUIRE A US REQUEST AND GCOB APPROVAL, AN EFFORT SHOULD BE MADE TO OBTAIN THE SHORTEST POSSIBLE LEADTIMES. THIS CATEGORY IS THE MOST UNDESIRABLE BECAUSE DESIRED RIGHTS WOULD NOT BE PROTECTED AND WOULD BE SUBJECT TO GCOB DISAPPROVAL.

C) IF IT BECOMES APPARENT THAT THE UNITED STATES MUST FURTHER REDUCE THE SCOPE OF DESIRED RIGHTS, THE FOLLOWING PROVISIONS IN THE DRAFT AGREEMENT SHOULD BE DELETED IN THE SEQUENCE SHOWN BELOW AND MAY BE USED IN COMBINATION WITH THE TACTICS OUTLINED IN SUBPARAGRAPH 2(B) ABOVE:

(1) WARTIME OR EMERGENCY RIGHTS. SHOULD SUCH RIGHTS BE REQUIRED IN THE FUTURE, THEY NECESSARILY WOULD HAVE TO BE NEGOTIATED ON A CASE-BY-CASE BASIS.

(2) FREEDOM OF MOVEMENT FOR US VESSELS. ADEQUATE OPERATING FLEXIBILITY WOULD STILL BE AVAILABLE THROUGH ACCESS, USE, MOVEMENT, AND OPERATIONS RIGHTS PROVIDED FOR US VESSELS IN THE DRAFT FACILITIES AGREEMENT. (IT IS NOTED THAT GCOB HAS ALREADY INSISTED, AND THE UNITED STATES AGREED, THAT PERMISSION, VICE NOTIFICATION, BE REQUESTED FOR VESSELS ENTERING BAHAMIAN HARBORS AND PORTS--AN ARRANGEMENT WHICH EXISTED BEFORE BAHAMIAN INDEPENDENCE. END QUOTE.

2. COPY OF LETTER WITH ENCLOSURES BEING POUCHED ON
12/24/75. KISSINGER

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